

**ASSEMBLY BILL**

**No. 518**

---

**Introduced by Assembly Member Mendoza**

February 24, 2009

---

An act to amend Sections 52055.51 and 52055.57 of the Education Code, relating to public school accountability.

LEGISLATIVE COUNSEL'S DIGEST

AB 518, as introduced, Mendoza. Public School Performance Accountability Program.

(1) Existing law establishes the Immediate Intervention/Underperforming Schools Program, a part of the Public Schools Performance Accountability Program, for schools that have not met adequate yearly progress and Academic Performance Index (API) growth targets, as established by the State Board of Education. Existing law requires the Superintendent of Public Instruction to take certain actions when a school does not meet those targets, and also authorizes the Superintendent to require a school district to enter into a contract with a school assistance and intervention team.

This bill would require that the members of a school assistance and intervention team, that contracts with a school district in which one or more numerically significant pupil subgroups, as defined, did not meet those targets, possess specified certification and experience in meeting the needs of those pupil subgroups, and to use procedures and tools developed specifically for those pupil subgroups.

(2) Existing law requires the school assistance and intervention team to complete a report that includes recommendations for corrective actions, as specified.

This bill would require the school assistance and intervention team, in developing recommendations for corrective actions, to ensure that pupils have access to all core subjects, to ensure parental involvement, and to include additional recommendations if alternative programs are the reason for program improvement status.

(3) Existing law requires a local educational agency identified as a program improvement local educational agency under the federal No Child Left Behind Act of 2001 to take a self-assessment provided by the department.

This bill would require, if a local educational agency is identified as a program improvement local educational agency because of the failure of one or more pupil subgroups to meet adequate yearly progress and API growth targets, that the State Department of Education provide self-assessment materials and criteria specifically for language and content instruction. The bill would require recommendations resulting from the self-assessment to ensure that pupils have access to all core subjects and to ensure parental involvement, and would also require the school and district assistance and intervention teams to provide specified recommendations if alternative programs are the reason for program improvement status.

The bill would require that the members of a district assistance and intervention team, contracting with a local educational agency identified as a program improvement local educational agency in which one or more pupil subgroups did not meet adequate yearly progress and API growth targets, possess specified certification and experience in meeting the curriculum and instructional needs of the pupil subgroups, as specified.

The bill would require the Superintendent of Public Instruction to include certain elements within the standards and criteria to be applied by a district assistance and intervention team, no later than January 31, 2011.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 52055.51 of the Education Code is
- 2 amended to read:
- 3 52055.51. (a) Instead of the actions specified in subdivision
- 4 (b) of Section 52055.5, and notwithstanding any other law, the

1 Superintendent, with the approval of the state board, may require  
2 the school district to enter into a contract with a school assistance  
3 and intervention team no later than 30 days after the public release  
4 of the school's growth in API results, or the next regularly  
5 scheduled meeting of the ~~State Board of Education~~ *state board*  
6 following the expiration of the 30 days if meeting the 30-day time  
7 limit would not provide the ~~State Board of Education~~ *state board*  
8 with sufficient time to comply with the requirements of the  
9 Bagley-Keene Open Meeting Act (Article 9 (commencing with  
10 Section 11120) of Chapter 1 of Division 3 of Title 2 of the  
11 Government Code). If the ~~State Board of Education~~ *state board*  
12 approves, the governing board of the school district may retain its  
13 legal rights, duties, and responsibilities with respect to that school.

14 (b) (1) School assistance and intervention team members should  
15 possess a high degree of knowledge and skills in the areas of school  
16 leadership, curriculum, and instruction aligned to state academic  
17 content and performance standards, classroom management and  
18 discipline, academic assessment, parent-school relations, and  
19 evaluation and research based reform strategies and have proven  
20 successful expertise specific to the challenges inherent in  
21 state-monitored schools.

22 (2) *A school assistance and intervention team contracting with*  
23 *a school in which one or more numerically significant pupil*  
24 *subgroups, as described in paragraphs (2) and (3) of subdivision*  
25 *(a) of Section 52052, did not meet adequate yearly progress or*  
26 *API growth targets shall include members who possess a high*  
27 *degree of knowledge, skills, and expertise in meeting the*  
28 *curriculum and instructional needs of the pupil subgroups*  
29 *including, but not limited to, knowledge, skills, and expertise*  
30 *specific to first- and second-language English acquisition, English*  
31 *development, and instructional strategies specific to the pupil*  
32 *subgroup.*

33 (3) *For purposes of paragraph (2), a "high degree of knowledge,*  
34 *skills, and expertise" means a certification or advanced degree*  
35 *relating to the pupil subparagraph described in paragraph (2) of*  
36 *subdivision (a) of Section 52052, and either of the following:*

37 (A) *At least five years of experience working directly with pupil*  
38 *subgroups.*

1 (B) *Experience as a provider of professional development,*  
2 *demonstrated through having written or published articles on*  
3 *instruction and programs for pupil subgroups.*

4 (c) ~~The~~ *Once every two years, the Superintendent shall, once*  
5 ~~every two years,~~ *establish a list of approved school assistance and*  
6 *intervention teams with which a school district may contract. The*  
7 *list shall be based on criteria recommended by the Superintendent*  
8 *and adopted by the state board. After the two-year approval period*  
9 *expires, a team may reapply for approval by demonstrating the*  
10 *effectiveness of the team's work of the team in state-monitored*  
11 *schools.*

12 (d) (1) *A school assistance and intervention team shall provide*  
13 *intensive support and expertise to implement the school reform*  
14 *initiatives in the plan. Decisions about interventions shall be data*  
15 *driven. A school assistance and intervention team shall work with*  
16 *school staff, site planning teams, administrators, and school district*  
17 *staff to improve pupil literacy and achievement by assessing the*  
18 *degree of implementation of the current action plan, refining and*  
19 *revising the action plan, and making recommendations to maximize*  
20 *the use of fiscal resources and personnel in achieving the plan*  
21 *goals of the plan. The*

22 (2) *The school district shall provide support and assistance to*  
23 *enhance the team's work of the team at the targeted schoolsites.*  
24 *A school assistance and intervention team providing support and*  
25 *expertise to schools in which one or more of the numerically*  
26 *significant pupil subgroups have failed to meet the adequate yearly*  
27 *progress and API growth targets shall use procedures and tools*  
28 *developed specifically for the improvement of language and content*  
29 *instruction for those pupil subgroups. Priority shall be given to*  
30 *using existing tools that are appropriate for these pupil subgroups.*

31 (e) *Not later than 60 days after the assignment of a school*  
32 *assistance and intervention team, the team shall complete a report.*  
33 *The report shall include recommendations for corrective actions*  
34 *chosen from a range of interventions, including the reallocation*  
35 *of school district fiscal resources to ensure that appropriate*  
36 *resources are targeted to those target the specific interventions*  
37 *identified in the team's recommendations of the team for the*  
38 *targeted schools, and other changes deemed appropriate to make*  
39 *progress toward meeting the school's growth target of the school.*  
40 *In developing recommendations for corrective actions, a school*

1 *assistance and intervention team shall ensure that pupils have*  
2 *access to all core subjects including, but not limited to, reading,*  
3 *language arts, and mathematics. A school assistance and*  
4 *intervention team also shall ensure parental involvement pursuant*  
5 *to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec.*  
6 *6301 et seq.) and Chapter 16 (commencing with Section 11500)*  
7 *of Part 7 of Division 7 of Title 1. If alternative programs are the*  
8 *reason for program involvement status, the school assistance and*  
9 *intervention teams and district assistance and intervention teams*  
10 *shall provide recommendations to improve these programs and*  
11 *move the school or district out of program improvement.*

12 (f) Not later than 90 days after assignment of the school  
13 assistance and intervention team, the governing board of the school  
14 district shall adopt the ~~team's~~ initial recommendations ~~of the team~~  
15 at a regularly scheduled meeting of the governing board. A  
16 subsequent recommendation proposed by the school assistance  
17 and intervention team shall be submitted to the governing board  
18 and shall be adopted by the governing board within 30 days of the  
19 submission. The governing board ~~may~~ *shall* not place the adoption  
20 on the consent calendar. A recommendation adopted by the  
21 governing board shall be submitted to the Superintendent and the  
22 state board.

23 (g) Following the adoption of the recommendation by the  
24 governing board, the governing board may submit an appeal to  
25 the Superintendent for relief from one or more of the  
26 recommendations. The Superintendent, with approval of the state  
27 board, may grant relief from compliance with a recommendation  
28 ~~of the school assistance and intervention team.~~

29 (h) If a school assistance and intervention team does not fulfill  
30 its ~~legal~~ obligations under this section, the governing board of the  
31 school district may seek permission from the Superintendent, with  
32 the approval of the state board, to contract with a different school  
33 assistance and intervention team. Upon a finding that the school  
34 assistance and intervention team has not fulfilled its ~~legal~~  
35 obligations under this section, the Superintendent, with the approval  
36 of the state board, may remove the school assistance and  
37 intervention team from the ~~state~~ list of ~~eligible~~ *approved* providers.

38 (i) No less than three times during the year, the school district  
39 and schoolsite shall present the team with data regarding progress  
40 toward the goals established by the initial assessment of the team.

1 The data shall be presented to the governing board of the school  
2 district at a regularly scheduled meeting. The team shall, to the  
3 extent possible, utilize existing site data. The data ~~shall~~ also *shall*  
4 be provided to the Superintendent and the state board. Every effort  
5 shall be made to report this data in a manner that minimizes the  
6 length and complexity of the reporting requirement in order to  
7 maximize the focus on improving pupil literacy and achievement.

8 (j) An action taken pursuant to this section may not increase  
9 local costs or require reimbursement as determined by the  
10 Commission on State Mandates.

11 SEC. 2. Section 52055.57 of the Education Code is amended  
12 to read:

13 52055.57. (a) (1) Provisions that are applicable to local  
14 educational agencies under this section are for the purpose of  
15 implementing federal requirements under the federal No Child  
16 Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.). The  
17 satisfaction of these criteria by local educational agencies that  
18 choose to participate under this article shall be a condition of  
19 receiving funds pursuant to this section.

20 (2) The department shall identify local educational agencies  
21 that are in danger of being identified within two years as program  
22 improvement local educational agencies under the federal No Child  
23 Left Behind Act of 2001, and shall notify those local educational  
24 agencies, in writing, of this status and provide those local  
25 educational agencies with research-based criteria to conduct a  
26 voluntary self-assessment.

27 (3) The self-assessment shall identify deficiencies within the  
28 operations of the local educational agency, and the programs and  
29 services of the local educational agency.

30 (4) A local educational agency identified pursuant to paragraph  
31 (2) is encouraged to revise its local educational agency plan based  
32 on the results of the self-assessment.

33 (5) The program described in this subdivision shall be referred  
34 to as the “Early Warning Program.”

35 (b) (1) A local educational agency identified as a program  
36 improvement local educational agency under the federal No Child  
37 Left Behind Act of 2001 shall do all of the following:

38 (A) Conduct a self-assessment using materials and criteria based  
39 on current research *that is developed, used,* and provided by the  
40 department. *If the local educational agency’s status as a program*

1 *improvement school resulted from the failure of one or more pupil*  
2 *subgroups to meet adequate yearly progress and API growth*  
3 *targets, the department shall provide self-assessment materials*  
4 *and criteria specifically for language and content instruction.*  
5 *Procedures and tools specifically for the improvement of language*  
6 *and content instruction for those pupil subgroups shall be*  
7 *developed, used, and provided by the department. Priority shall*  
8 *be given to using existing tools that are appropriate for these pupil*  
9 *subgroups.*

10 (B) No later than 90 days after a local educational agency is  
11 identified for program improvement, contract with a county office  
12 of education or another external entity after working with the  
13 county superintendent of schools, for both of the following  
14 purposes:

15 (i) Verifying the fundamental teaching and learning needs in  
16 the schools of that local educational agency as determined by the  
17 local educational agency self-analysis, and identifying the specific  
18 academic problems of low-achieving pupils, including a  
19 determination of why the prior plan of the local educational agency  
20 failed to bring about increased pupil academic achievement.

21 (ii) Ensuring that the local educational agency receives intensive  
22 support and expertise to implement local educational agency reform  
23 initiatives in the revised local educational agency plan as required  
24 by the federal No Child Left Behind Act of 2001.

25 (C) Revise and expeditiously implement the local educational  
26 agency plan to reflect the findings of the verified self-assessment.  
27 *Recommendations resulting from the self-assessment described in*  
28 *subparagraphs (A) and (B) shall ensure that pupils have access*  
29 *to all core subjects, including, but not limited to, reading, language*  
30 *arts, and mathematics. Recommendations also shall ensure*  
31 *parental involvement pursuant to the federal No Child Left Behind*  
32 *Act of 2001 and Chapter 16 (commencing with Section 11500) of*  
33 *Part 7 of Division 7 of Title 1. If alternative programs are the*  
34 *reason for program improvement status, the school and district*  
35 *assistance and intervention teams shall provide recommendations*  
36 *to improve these programs and move the school or district out of*  
37 *program improvement.*

38 (D) After working with the county superintendent of schools  
39 or an external verifier, contract with an external provider to provide  
40 support and implement recommendations to assist the local

1 educational agency in resolving shortcomings identified in the  
2 verified self-assessment.

3 (2) (A) Subject to the availability of funds in the annual Budget  
4 Act for this purpose, a local educational agency described in  
5 paragraph (1) annually may receive fifty thousand dollars  
6 (\$50,000), plus ten thousand dollars (\$10,000) for each school that  
7 is supported by federal funds pursuant to Title I of the federal No  
8 Child Left Behind Act of 2001 within the local educational agency,  
9 for the purpose of fulfilling the requirements of this subdivision.  
10 If funding is not provided in the annual Budget Act or other statute,  
11 local educational agencies shall not be subject to the requirements  
12 of subparagraphs (B) and (D) of paragraph (1).

13 (B) Subject to the availability of funds appropriated in the annual  
14 Budget Act for this purpose, a local educational agency identified  
15 as a program improvement local educational agency during the  
16 2005–06 fiscal year, shall receive priority for funding based upon  
17 the performance of the socioeconomically disadvantaged subgroup  
18 of the local educational agency on the Academic Performance  
19 Index. Priority for funding shall be provided to the lowest  
20 performing local educational agencies that are identified as program  
21 improvement local educational agencies. It is the intent of the  
22 Legislature that funds apportioned pursuant to this paragraph be  
23 used to support activities identified in paragraph (1).

24 (C) It is the intent of the Legislature that a local educational  
25 agency identified as a program improvement local educational  
26 agency receive no more than two years of funding pursuant to this  
27 paragraph.

28 (c) A local educational agency that has been identified for  
29 corrective action under the federal No Child Left Behind Act of  
30 2001 shall be subject to one or more of the following sanctions as  
31 recommended by the Superintendent and approved by the state  
32 board:

33 (1) Replacing local educational agency personnel who are  
34 relevant to the failure to make adequate yearly progress.

35 (2) Removing schools from the jurisdiction of the local  
36 educational agency and establishing alternative arrangements for  
37 the governance and supervision of those schools.

38 (3) Appointing, by the state board, a receiver or trustee, to  
39 administer the affairs of the local educational agency in place of  
40 the county superintendent of schools and the governing board.



1 (4) Abolishing or restructuring the local educational agency.

2 (5) Authorizing pupils to transfer from a school operated by the  
3 local educational agency to a higher performing school operated  
4 by another local educational agency, and providing those pupils  
5 with transportation to those schools, in conjunction with carrying  
6 out not less than one additional action described under this  
7 paragraph.

8 (6) Instituting and fully implementing a new curriculum that is  
9 based on state academic content and achievement standards,  
10 including providing appropriate professional development based  
11 on scientifically based research for all relevant staff, that offers  
12 substantial promise of improving educational achievement for  
13 high-priority pupils.

14 (7) Deferring programmatic funds or reducing administrative  
15 funds.

16 (d) (1) The department shall develop, and the state board shall  
17 approve at a public meeting, objective criteria by which a local  
18 educational agency identified for corrective action and subject to  
19 a sanction listed under subdivision (c) shall be evaluated to  
20 determine the pervasiveness and severity of its performance  
21 problems and the sanction to be imposed.

22 (2) A local educational agency identified for corrective action  
23 and subject to a sanction listed under subdivision (c) may apply  
24 for a one-year, nonrenewable grant of federal improvement funding  
25 to assist in its improvement process and may expend that grant  
26 funding over the time period allowable under federal law. It is the  
27 intent of the Legislature to integrate federal funding that is available  
28 for this purpose, including, but not limited to, funding for program  
29 improvement and school improvement grants pursuant to Section  
30 6303 of Title 20 of the United States Code.

31 (3) The amount of a grant for a local educational agency with  
32 extensive and severe performance problems shall be one hundred  
33 fifty thousand dollars (\$150,000) per school identified for program  
34 improvement pursuant to federal law. The amount of a grant for  
35 a local educational agency with moderate performance problems  
36 shall be one hundred thousand dollars (\$100,000) per school  
37 identified for program improvement pursuant to federal law. The  
38 amount of a grant for a local educational agency with minor or  
39 isolated performance problems shall be fifty thousand dollars

1 (\$50,000) per school identified for program improvement pursuant  
2 to federal law.

3 (4) A local educational agency that receives funding under this  
4 subdivision shall use the funds in accordance with Section 6316(b)  
5 and (c) of Title 20 of the United States Code. Pursuant to the  
6 technical assistance requirements under the federal No Child Left  
7 Behind Act of 2001 outlined in Section 6312(b) and (c) and Section  
8 6317 of Title 20 of the United States Code, the Superintendent  
9 may recommend, and the state board may approve, that a local  
10 educational agency contract with a district assistance and  
11 intervention team or other technical assistance provider to receive  
12 guidance, support, and technical assistance. A district intervention  
13 and assistance team or other technical provider with which a local  
14 educational agency is required to contract shall perform the duties  
15 specified in subdivision (e) of Section 52059.

16 (5) (A) Notwithstanding any other law, a local educational  
17 agency that receives funding under this subdivision or that receives  
18 other federal funds for school improvement shall not use those  
19 funds to compensate a receiver or trustee assigned by the state  
20 board pursuant to paragraph (3) of subdivision (c).

21 *(B) A district assistance and intervention team contracting with*  
22 *a local educational agency pursuant to this section in which one*  
23 *or more pupil subgroups as described in paragraphs (2) and (3)*  
24 *of subdivision (a) of Section 52052 did not meet adequate yearly*  
25 *progress and API targets shall include members who possess a*  
26 *high degree of knowledge, skills, and expertise in meeting the*  
27 *curriculum and instructional needs of the pupil subgroups*  
28 *including, but not limited to, knowledge, skills, and expertise*  
29 *specific to first- and second-language English acquisition, English*  
30 *development, and instructional strategies specific to the pupil*  
31 *subgroup.*

32 *(C) For members of a district assistance and intervention team,*  
33 *a “high degree of knowledge” means possessing certification or*  
34 *an advanced degree relating to pupil subgroups described in*  
35 *paragraph (2) of subdivision (a) of Section 52052, and either of*  
36 *the following:*

37 *(i) At least five years of experience working directly with pupil*  
38 *subgroups.*

1     (ii) *Experience as a provider of professional development,*  
2     *demonstrated through having written or published articles on*  
3     *instruction and programs for pupil subgroups.*

4     (e) A local educational agency that has received a sanction under  
5     subdivision (c) and has not exited program improvement under  
6     the federal No Child Left Behind Act of 2001 shall appear before  
7     the state board within three years to review the progress of the  
8     local educational agency. Upon hearing testimony and reviewing  
9     written data from the local educational agency, the district  
10    assistance and intervention team, or county superintendent of  
11    schools, the Superintendent shall recommend, and the state board  
12    may approve, an alternative sanction under subdivision (c), or may  
13    take any appropriate action.

14    (f) Subject to the availability of funds in the annual Budget Act  
15    for this purpose, a local educational agency that is not identified  
16    as a program improvement local educational agency under the  
17    federal No Child Left Behind Act of 2001 may annually receive  
18    up to fifteen thousand dollars (\$15,000) per school identified as a  
19    program improvement school for the purposes of supporting  
20    schools identified as program improvement schools in the local  
21    educational agency and determining barriers to improved pupil  
22    academic achievement. That local educational agency shall receive  
23    no less than forty thousand dollars (\$40,000) and no more than  
24    one million five hundred thousand dollars (\$1,500,000) for those  
25    purposes. The Superintendent shall compile a list that ranks each  
26    local educational agency based on the number of, and percentage  
27    of, schools identified as program improvement schools and shall  
28    provide this funding to local educational agencies equally from  
29    each list until all funds appropriated for this purpose are depleted.  
30    These funds shall be provided for no more than three years.

31    (g) For purposes of this article, “local educational agency”  
32    means a school district, county office of education, or charter  
33    school that elects to receive its funding directly pursuant to Section  
34    47651, and that provides public educational services to pupils in  
35    kindergarten or any of grades 1 to 12, inclusive.

36    (h) *Not later than January 31, 2011, the Superintendent shall*  
37    *include all of the following within the standards and criteria to be*  
38    *applied by a district assistance and intervention team in carrying*  
39    *out its duties:*

40    (1) *Governance.*

- 1     (2) *Alignment of curriculum, instruction, and assessments to*  
2 *state standards.*
- 3     (3) *Human resources.*
- 4     (4) *Data systems and achievement monitoring.*
- 5     (5) *Professional development.*
- 6     (6) *Parental involvement pursuant to the federal No Child Left*  
7 *Behind Act of 2001.*
- 8     (7) *Community involvement.*
- 9     (8) *Access to core subjects, including, but not limited to, reading,*  
10 *language arts, and mathematics. If alternative programs are the*  
11 *reason for program improvement status, the school assistance and*  
12 *intervention teams and district assistance and intervention teams*  
13 *shall provide recommendations to improve these programs and*  
14 *move the school or school district out of program improvement.*